

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

GABINO ROMERO,
Petitioner,
v.
RAYMOND MADDEN, Warden,
Respondent.

Case No. CV 18-06087-AB (RAO)

ORDER ACCEPTING FINDINGS,
CONCLUSIONS, AND
RECOMMENDATIONS OF
UNITED STATES MAGISTRATE
JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, all of the records and files herein, the Magistrate Judge’s Report and Recommendation (“Report”), and Petitioner’s objections to the Report (“Objections”). The Court has further made a *de novo* determination of those portions of the Report to which objections have been made. The Court concurs with and accepts the findings, conclusions, and recommendations of the Magistrate Judge and overrules the Objections.

The Court addresses one portion of the Objections. Petitioner raises for the first time a new ground for relief which was not asserted in the Petition. Specifically, Petitioner raises a claim of ineffective assistance of trial counsel. The new ground appears unexhausted and is likely time-barred. In an exercise of its discretion, this Court declines to consider the new ground for relief presented for the first time in the

1 Objections. *See United States v. Howell*, 231 F.3d 615, 621 (9th Cir. 2000), cert.
2 denied, 534 U.S. 831 (2001).

3 IT IS ORDERED that the Petition is denied, and Judgment shall be entered
4 dismissing this action with prejudice.

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6 DATED: July 22, 2019
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8 ANDRÉ BIROTTE JR.
9 UNITED STATES DISTRICT JUDGE

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